



# Tower Siting

Timeframes for Action



# **Statutory Framework**

- Section 332(c)(7) of the Communications Act preserves State and local authority over the siting of wireless facilities.
- Under the statute, State and local authorities must decide applications in a reasonable period of time.



# **Statutory Framework, cont.**

- If a State or local government fails to act on an application, the applicant may file suit in court.



# **Timeframes for Siting Applications**

- The Commission defined “reasonable period of time” in Section 332(c)(7) for State and local government review of siting applications that are completed within the following timeframes:
  - 90 days for collocations
  - 150 days for all other applications



# Timeframes (cont.)

- The parties can agree to extend the review period.
- State and local governments have 30 days to review the application for completeness.
  - If the application is found to be incomplete, the time it takes for an applicant to respond to a request for additional information within the first 30 days does not count toward the 90- or 150-day review periods.
  - Requests for additional information after 30 days do not toll the review periods.



# **Courts To Consider All Facts**

- If State and local governments have not decided wireless facility siting applications within the defined timeframes, then applicants can file a claim in court.
- State or local governments will have the opportunity to respond, and the court can consider all the facts in a specific case.



# Now We'd Like to Hear From You

- What's been the experience of State and local zoning authorities now that the Declaratory Ruling has taken effect?
  - Are applications being processed within the presumptive periods of reasonableness?
  - Are applicants routinely going to court?
  - Are tolling agreements being reached?